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In re Application of	:	OFFICE OF PETITIONS
Zhangyi Wu et al	:	
Application No. 10/617,363	:	DECISION ON PETITION
Filed: July 11, 2003	:	TO MAKE SPECIAL
Attorney Docket No. 45047	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(2)(ii), filed June 13, 2005, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The disclosure explains that the invention uses twisted pairs to carry high-speed data traffic (e.g., DS3) and is an improvement over existing solutions. The petition does not demonstrate how this invention materially contributes to a more efficient utilization and conservation of energy resources. The petition focuses on how the present invention would not require excavation equipment to install fiber optic lines to carry the high-speed data traffic, and thus, fossil fuels are being conserved. This connection is too remote to the actual invention of transmitting high-speed data traffic on twisted pairs. First, the petition improperly focuses on excavation equipment, which is not part of the disclosed invention, rather than how the invention at hand, a high-speed

data traffic system, materially contributes to a more efficient utilization and conservation of energy resources. Second, there is insufficient evidence that new fiber optics would have to be installed since the petition assumes that new fiber optics would have to be installed rather than using existing lines. Third, the petition emphasizes the only current alternative solution to carry high-speed data traffic, which uses fiber optic equipment. The two other previous solutions discussed on pages 2 through 3 under the Background of the Invention section of the specification do not require fiber optic equipment and use twisted pairs. Therefore, the petition does not demonstrate how the invention itself materially contribute more efficiently to the utilization of energy resources and the conservation of energy resources.

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2665 for action in its regular turn.

David Bucci for
David Bucci
Petitions Examiner
Office of Petitions